

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

Aristeo Rios,

NO. C 08-03816 JW

Plaintiff,

v.

**ORDER TO SHOW CAUSE RE:
DISMISSAL FOR FAILURE TO COMPLY
WITH FED. R. CIV. P. 4(m); VACATING
CASE MANAGEMENT CONFERENCE**

J.R. West, Inc.,

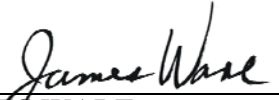
Defendant.

On August 11, 2008, Plaintiff filed this action. Pursuant to Fed. R. Civ. P. 4(m), Plaintiff was to serve Defendant on or before December 9, 2008. The Docket reflects that Defendant was not served until January 8, 2009. (See Docket Item No. 8.) The record does not reflect that Plaintiff sought leave of the Court to extend the time for service. Accordingly, the Court **ORDERS** Plaintiff to appear on **February 23, 2009 at 9 a.m.** and to show cause why this action should not be dismissed for failure to comply with Fed. R. Civ. P. 4(m).

On or before **February 13, 2009**, Plaintiff shall file a response to this Order and provide the Court with an explanation as to the tardiness of his service of process. Failure to comply with any part of this Order may result in dismissal pursuant to Fed. R. Civ. P. 41(b), which is a dismissal on the merits, or other forms of sanctions.

1 In light of this Order, the Court VACATES the Case Management Conference currently set
2 for February 2, 2009. Plaintiff shall serve Defendant a copy of this Order on or before **February 9,**
3 **2009.**

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5 Dated: January 28, 2009



JAMES WARE
United States District Judge

1 **THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:**

2 Adam Wang waqw@sbcglobal.net

3 **Dated: January 28, 2009**

Richard W. Wieking, Clerk

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5 **By: /s/ JW Chambers**
6 **Elizabeth Garcia**
7 **Courtroom Deputy**
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